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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,656	02/01/2002	Rajasekhar Abburi	MS#183195.1 (MSFT4967)	1819
321	7590	12/16/2005	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,656

Applicant(s)

ABBURI, RAJASEKHAR

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-37, 47, 48, 50 and 55-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-37, 47, 48, 50 and 55-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 23, 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. **Claim(s) 1-3, 6, 7, 9, 11, 12, 16-19, 21-26, 28-33, 36-37 and 55-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank (US 6,823,047 B1) in view of Abbott, III (US 2002/0032689 A1).

Regarding **claim(s) 1 and 17**, Cruickshank discloses a method of using an interactive voice response (IVR) system and a computer server connected to a communications network to support voice messaging between individuals accessible through telephone devices located on the network and individuals accessible through computer devices located on the network (FIG. 1 and column 2, lines 28-45), the method comprising:

receiving a plurality of voice messages from remote users of devices located on the network, each received voice message including information identifying at least one intended recipient (FIG. 1 and column 6, lines 14-31) [The voice messaging system 108 has the capability to receive and record multiples voice messages with information destination for each recipient];

for each received voice message, accessing a user profile for its intended recipient, the user profile specifying one or more communication devices located on the network by which such intended recipient should receive delivery or notification of voice messages directed to such intended recipient, the communication devices including at least one of a telephone device and a computer device (FIG. 3 and column 7, lines 6-24 and lines 36-49) [The network address look-up table 360 provides a table mapping the

desired called party telephone number to provide the voice mail service to its voice mail box];

notifying the intended recipients of the received voice messages at the preferred communication devices according to their respective user profiles the notifying including notifying the intended recipient of the received voice messages via the preferred device (FIG. 3 and column 6, lines 40-50) [The communications suite 308 notify the particular subscriber using the graphical message waiting notification system]; and

delivering the received voice messages to their intended recipients in audio form, including delivering at least one of the received voice messages to its intended recipient in audio form using the IVR system and the preferred communication device specified in the user profile of the intended recipient (FIG. 1, 4, 8 and column 9, lines 40-57) [The VMS 108 after identified the subscribers delivers the voice message using an IVR system].

Cruickshank discloses a voicemail system with a lookup table for obtaining information of an intended recipient but fails to disclose determining for each intended recipients, a preferred one of the specified communication devices by which such intended recipient and updating the respective user profile accordingly.

However, Abbott, III, in the same field of endeavor, teaches determining for each intended recipients, a preferred one of the specified communication devices by which such intended recipient as a function of a time period during which the voice messages are received and updating the respective user profile accordingly (paragraph 0101).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Cheston using the teaching of routing information to a user device as taught by Abbott, III.

This modification would enable the system to determine for each intended recipients, a preferred one of the specified communication devices by which such intended recipient and updating the respective user profile accordingly so that the system would improve the speed of routing.

Regarding **claim(s) 2**, Cruickshank discloses delivering includes audio streaming the received voice messages to their intended recipients using the IVR system and the computer server (column 6, lines 51-66).

Regarding **claim(s) 3**, Cruickshank discloses delivering includes delivering one of the received voice messages to its intended recipient through the communication device specified by such intended recipient in response to the notifying (column 9, lines 40-57).

Regarding **claim(s) 6**, Cruickshank discloses receiving includes receiving prerecorded voice messages from the remote users (column 8, lines 32-44).

Regarding **claim(s) 7**, Cruickshank discloses storing the received voice messages (column 9, lines 1-15).

Regarding **claim(s) 9**, Cruickshank discloses at least one of the voice messages is received together with information for addressing the communication device associated with its intended recipient the method further comprising delivering the one of the voice messages to its intended recipient using the information for addressing the communication device (column 9, lines 1-15).

Regarding **claim(s) 11**, Cruickshank discloses the communications network comprises a telecommunications network to which the IVR system is connected and a widely distributed computer network to which the computer server is connected, the IVR system and the computer server being connected to each other and wherein the telephone devices are located on the telecommunications network and the computer devices are located on the widely distributed computer network (column 6, lines 26-50).

Regarding **claim(s) 12**, Cruickshank discloses receiving information via the computer server from a remote user of a computer device located on the widely distributed computer network the received information indicating the remote user's desire to record a voice message using a telephone device located on the telecommunications network, and contacting such telephone device via the IVR system to capture such voice message (column 6, lines 14-40).

Regarding **claim(s) 16**, Cruickshank discloses automatically generating a voice message upon an occurrence of a predefined event, and delivering the automatically generated voice message to one or more of the remote users (column 8, lines 32-44).

Regarding **claim(s) 18**, Cruickshank in combination with Abbott, III disclose all the limitations of **claim(s) 18** as stated in **claim(s) 1**'s rejection above and furthermore Cruickshank discloses a processor (320 on FIG. 3), a memory device (350 on FIG. 3), computer instructions stored in the memory device (310 on FIG. 3), a microphone (102a on FIG. 1), and an interface to a communications network (330 on FIG. 3).

Regarding **claim(s) 19 and 31**, Cruickshank discloses the computer instructions configure the processor to compress the audio file prior to transferring the audio file to the communications network via the interface (column 6, lines 14-25).

Regarding **claim(s) 21 and 33**, Cruickshank discloses the input from the user includes information identifying one or more individuals to whom the audio message should be sent, and wherein the computer instructions configure the processor to record the information in the audio file (column 8, lines 32-44).

Regarding **claim(s) 22 and 32**, Cruickshank discloses the computer instructions configure the processor to record information identifying the user in the audio file (column 5, lines 16-44).

Regarding **claim(s) 23**, Cruickshank discloses the apparatus is a telephony device, and wherein the communications network includes a telephony network (102a on FIG. 1).

Regarding **claim(s) 24**, Abbott, III teaches the telephony device is a mobile telephony device, and wherein the telephony network is a wireless telephony network (paragraph 0040).

Regarding **claim(s) 25**, Cruickshank discloses the apparatus is a computer device, and wherein the communications network includes a computer network (104a on FIG. 1).

Regarding **claim(s) 26**, Cruickshank discloses wherein the computer network is the Internet (114 on FIG. 1).

Regarding **claim(s) 28, 37, 55 and 58**, Cruickshank in combination with Abbott, III disclose all the limitations of **claim(s) 28, 37, 55 and 58** as stated in **claim(s) 1' s** rejection above and furthermore Cruickshank discloses the audio file being communicated to the recipient via one or more devices specified in a profile of the recipient (column 5, lines 39-44).

Regarding **claim(s) 29**, Cruickshank discloses recording includes recording the audio message in the audio file as the audio message is received (column 5, lines 26-31).

Regarding **claim(s) 30**, Cruickshank discloses the audio message is a message spoken by the user (column 5, lines 26-31).

Regarding **claim(s) 36 and 56**, Cruickshank discloses receiving information includes receiving information for addressing one or more devices associated with the one or more individuals (column 5, lines 39-44).

Regarding **claim(s) 57**, Cruickshank discloses the first device type is a computer device, and wherein the second device type is a telephone device (102a and 104a on FIG. 1).

5. **Claims 4-5, 13, 15, 47-48 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Abbott, III and in further view of Picard et al. (US 6,233,318 B1).

Regarding **claim(s) 47 and 50**, Cruickshank in combination with Abbott, III disclose all the limitations of **claim(s) 47 and 50** as stated in **claim(s) 1'** s rejection above but fail to disclose sending an electronic message to the intended recipient, the electronic message including a hyperlink to the stored voice message, whereby the intended recipient can retrieve the stored voice message by selecting the hyperlink.

However, Picard teaches sending an electronic message to the intended recipient, the electronic message including a hyperlink to the stored voice message, whereby the intended recipient can retrieve the stored voice message by selecting the hyperlink (column 9, lines 28-67) [The subscriber uses a personal computer to access the messages and receives an email with an hyperlink].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Cruickshank in combination with Abbott using the teaching of the integrated messaging system as taught by Picard.

The modification of the invention would offer the capability of an electronic message to the intended recipient such as the system would allows a subscriber to access stored messages over the telephone and the computer for organizing group list administration of the messages.

Regarding **claim(s) 4**, Picard teaches notifying includes sending electronic messages to a plurality of the intended recipients, the electronic messages including hyperlinks to corresponding ones of the stored voice messages, whereby the plurality of intended recipients can initiate the delivering of associated voice messages by selecting the hyperlinks (column 9, lines 28-67).

Regarding **claim(s) 5**, Picard teaches the electronic messages include pop-up text messages (column 9, lines 28-67).

Regarding **claim(s) 13**, Picard teaches supporting an instant text messaging option by which individuals having a presence on the widely distributed computer network at the same time can send pop-up text messages to one another through the widely distributed computer network (column 9, lines 28-67).

Regarding **claim(s) 15**, Cruickshank discloses receiving voice messages via the IVR system includes receiving a telephone call via the IVR system from a user having a predefined group of contacts, determining whether the contacts currently have a presence on the widely distributed computer network, and advising the user via the IVR system regarding which of the contacts currently have a presence on the widely distributed computer network (column 8, lines 32-44).

Regarding **claim(s) 48**, Cruickshank discloses automatically generating the voice message upon occurrence of a predefined event (column 8, lines 32-44).

6. **Claim(s) 8 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Abbott, III as applied to **claim(s) 1 and 18** above, and further in view of Bergsman et al. (US 5,568,539).

Regarding **claim(s) 8 and 20**, Cruickshank in combination with Abbott as applied to **claim(s) 1 and 18** differ from **claim(s) 8 and 20** in that it fails to disclose restricting a length of each voice message to less than one minute.

However, Bergsman teaches restricting a length of each voice message to less than one minute (column 4, lines 63-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Cruickshank in combination with Abbott using the message delivering system as taught by Bergsman.

The modification of the invention would offer the capability of restricting a length of each voice message to less than one minute such as the system would allow a subscriber to access stored messages over the telephone and the computer.

7. **Claim(s) 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Abbott, III as applied to **claim(s) 1** above, and further in view of Cheston, III et al. (US 6,330,308 B1).

Regarding **claim(s) 10**, Cruickshank in combination with Abbott as applied to **claim(s) 1** differ from **claim(s) 10** in that it fails to disclose providing delivery confirmation to senders of the delivered voice messages.

However, Cheston teaches providing delivery confirmation to senders of the delivered voice messages (column 16, lines 22-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Cruickshank in combination with Abbott using the voice mail system as taught by Cheston.

The modification of the invention would offer the capability of providing delivery confirmation to senders of the delivered voice messages such as the system would allows a caller to receive confirmation of delivering the message.

8. **Claim(s) 27 and 34-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Abbott, III as applied to **claim(s) 18 and 33** above, and further in view of Aravamudan (US 6,301,609 B1).

Regarding **claim(s) 27**, Cruickshank in combination with Abbott as applied to **claim(s) 18** differ from **claim(s) 27** in that it fails to disclose the computer device is a handheld computer device.

However, Aravamudan teaches the computer device is a handheld computer device (FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Cruickshank in combination with Abbott using the device as taught by Aravamudan.

The modification of the invention would offer the capability of the computer device is a handheld computer device such as the system would allow a subscriber to receive messages of its handheld device.

Regarding **claim(s) 34 and 35**, Aravamudan teaches supporting instant text messaging between the user and the individuals of the list (column 7, lines 21-40).

Response to Arguments

9. Applicant's arguments with respect to **claim(s) 1-13, 15-37, 47-48, 50 and 55-58** have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2645

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g
December 8, 2005